

**CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
July 28, 2011**

The regular meeting of Council was held this date at 2:00 P.M. in the Council Chambers of City Hall. The Invocation was given by Alderman Stuber followed by the Pledge of Allegiance to the Flag. The Minutes of the meeting of July 14, 2011 City Council Meeting and the July 14, 2011 Summary/Final Minutes of the City Council Workshop and City Manager's Briefing, and the minutes of the July 13, 2011 Town Hall Meeting were approved upon motion of Alderman Johnson, seconded by Alderman Thomas and carried.

PRESENT: Mayor Otis S. Johnson, Presiding
Mayor Pro-Tem Edna B. Jackson
Alderman Tony Thomas, Chairman of Council
Alderman Van Johnson II, Vice-Chairman of Council,
Aldermen Larry Stuber, Clifton Jones, Jeff Felser, and Mary Osborne.
Mary Ellen Sprague (left the meeting at 4:05 pm)

City Manager Rochelle D. Small-Toney
City Attorney James B. Blackburn
Asst. City Attorneys William W. Shearouse and Lester B. Johnson, III

LEGISLATIVE REPORTS

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses and upon motion of Alderman Thomas, seconded by Alderman Jones, and carried, they were approved:

ALCOHOL BEVERAGES LICENSE HEARING

James O. Adeyelu for Abercorn Chevron, requesting to transfer a beer and wine (package) license from Rushir Patel at 206 E. Victory Drive, which is located between Abercorn and Lincoln Streets in District 5. Recommend authorizing the City Attorney to notify the applicant to appear at the August 11, 2011 Council meeting and show cause why the application should not be denied based on the owner of the business having owned Malone's on River Street where violations of alcohol laws and regulations resulted in the denial of the 2011 license renewal application.

James O. Adeyelu for Downtown Chevron, requesting to transfer a beer and wine (package) license from Brijesh Patel at 147 Martin Luther King Blvd. located between Oglethorpe Ave and Fahm St. District 1. Recommend authorizing the City Attorney to notify the applicant to appear at the August 11, 2011 and show cause why the application should not be denied based on the owner of the business having owned Malone's on River Street where violations of alcohol laws and regulations resulted in the denial of the 2011 license renewal application.

Yong R. Liu for Asian Buffet of Savannah, requesting to add a liquor (drink) license with Sunday sales to an existing beer and wine (drink) license with Sunday sales at 1100 Eisenhower Drive, which is located between Waters Avenue and Seawright Drive in District 3. (Adding liquor.) Recommend approval.

Jennifer M. Jenkins for Foxy Loxy Print Gallery and Café, LLC d/b/a Foxy Loxy Print Gallery Café, requesting a beer and wine (drink) license at 1919 Bull Street, which had a 2009 beer and wine (drink) license with Sunday sales and is located between W. 35th and W. 36th Streets in District 5. (Café with art gallery.) Recommend approval.

Roshni A. McIver for Mr. Wonderful, requesting a liquor, beer and wine (drink) license with Sunday sales at 2414-16 Montgomery Street, which a 2010 liquor, beer and wine (drink) license with Sunday sales and is located between 40th and 41st Streets in District 5. (New ownership.) Recommend approval.

Bhadresh Patel for Darsh Convenience, Inc. d/b/a M & T Liquors, requesting to transfer a liquor, beer and wine (package) license from Rashmikanth Patel at 3701 Montgomery Street, which is located between 52nd and 54th Streets in District 5. (New ownership.) Recommend approval.

Hirenkumar M. Patel for H & M Convenience, Inc d/b/a Mike's Timesaver, requesting to transfer a beer and wine (package) license from Bhadresh Patel at 3713 Montgomery Street, which is located between 52nd and 54th Streets in District 5. (New ownership.) Recommend approval.

Carol M. Sellers for The Salt Table, LLC d/b/a The Salt Table, requesting a wine (package with tasting) license at 51 Barnard Street, which had a 2005 Liquor, beer and wine (drink) license and is located between Broughton and Congress Streets in District 1. (New business.) Recommend approval.

Chand Sharma for Jai Shiva, Inc. d/b/a Pakwan Indian Cuisine, requesting a beer and wine (drink) license with Sunday sales at 7102 Abercorn Street, which had a 2009 liquor, beer and wine (drink) license revocation and is located between Eisenhower Drive and Stephenson Avenue in District 4. (New business and applicant with no known association with the prior owner/business.) Recommend approval.

Arthur L. Williams, Jr. for Odyssey, requesting to transfer a beer and wine (drink) license with Sunday sales from Patricia E. Duncan d/b/a Savannah Home Cooking and to add liquor (drink) with Sunday Sales and Hybrid permits at 2812 Bee Road, which is located between Victory Drive and Washington Avenue in District 3. (Transfer of beer and wine; addition of liquor and Hybrid.) Recommend approval.

Allen Gregory Scott for A&M Lounge LLC, requesting a beer and wine (drink) license at 1501 W. Bay Street, which is a new location between Hudson and Millen Streets in District 1. (New location meets distance requirements for beer and wine but not for liquor. Continued from July 14, 2011.) Recommend approval for a beer and wine (drink) license to be issued upon the applicant's receipt of a Certificate of Occupancy. The Zoning Administrator reports that the planned occupancy of 45 patrons will require 12 parking spaces, and that this requirement can be met by the three spaces on-site and 12 spaces available at Marvel Cleaners when Marvel Cleaners is closed. The lounge would therefore not be able to open before 6:30 p.m. Tuesday through Thursday and before 7:00 p.m. on Friday and Saturday.

This was a Public Hearing. Alderman Felser questioned the parking at the cleaners. City Manager Toney stated there was an agreement for the patrons to park in the cleaner's parking lot. Revenue Director Tom Vanderhorst stated the owners of the funeral home have decided not to let patrons of the bar park on their property. City Attorney Blackburn stated the property does not presently meet all of the code requirements. Ronald Williams spoke in opposition of the petition. Alderman Osborne questioned the pavement of parking spaces. Zoning Administrator Randolph Scott explained the formula he used to measure the parking. He told Ms. Osborne that new development properties do require paving. Mayor Johnson stated the City worked with the citizens to build a master plan to redevelop that area. This is not a desired use of this area. He stated this may be legally right for them but it is not right for the neighborhood. Alderman Johnson stated it was a safety issue when the building is fully populated; the front door is too close to Bay Street. Alderman Jones stated he thought they were placing too many restrictions on the property; and they were not addressing the issue. Alderman Jackson questioned the agreement of parking with the owner of Marble Cleaners. She stated they do have a written agreement and that she would not be receiving a monetary benefit.

Mayor Johnson read the City Manager's recommendation: Recommend approval for a beer and wine (drink) license to be issued upon the applicant's receipt of a Certificate of Occupancy. He stated they were concerned about the applicants but also concerned

about the neighborhood; this is not a need-basis. Alderman Osborne stated she felt they were trying to make something happen that they wanted to happen but not going by the letter of the law. Alderman Johnson moved to close the public hearing, seconded by Alderman Jackson and carried. Alderman Osborne moved for approval of the license, seconded by Alderman Jones. Alderman Osborne and Jones were in favor; Aldermen Sprague, Felser, Johnson, Thomas, Jackson, Stuber, and Mayor Johnson voted no. Alderman Johnson made a motion, seconded by Alderman Felser and carried, to deny the license base on the grounds outlined in Section 6-1208 and 09 of the Alcohol and Beverage License Ordinance, which states: The violation by the applicant, licensee, or licensee's employees of any state or federal law or regulation or any provision of this Code or other municipal ordinance, at any time adopted, relating to the sale, use, possession, or distribution of drugs or alcoholic beverages. No license shall be issued under this article to any premises not meeting the requirements of all state, county, and city laws, ordinances and regulations which apply to said premises, including, but not limited to zoning, building, fire, and sanitation. The location for which the license is sought, as to traffic congestion, general character of the neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.

Alderman Osborne suggested someone look into the parking of other establishments; they do not meet the parking requirements as stated today. Mayor Johnson asked the City Manager to meet with Alderman Osborne regarding her concerns.

ZONING HEARINGS

Pamela Oglesby, Agent for A. Fox Construction Inc., Owner (Z-110323-36859-2), requesting to rezone 199, 201, 201A, 203, and 205 Lathrop Avenue from R-4 (Four-family Residential) to RB-1 (Residential-Business) for a commercial development. The Metropolitan Planning Commission (MPC) recommends denial. There is an existing mix of residential and non-residential uses near these properties, but both the West Savannah Revitalization Plan and the Tricentennial Comprehensive Plan Development Map designate the property as residential. Both studies indicate Richards Street as the dividing line separating residential and commercial uses. The requested zoning would allow commercial intrusion beyond the point identified as appropriate in the approved plans. Recommend denial.

Jim Henson gave the report for the Metropolitan Planning Commission who recommends denial of the request. Pamela Oglesby, Agent for A. Fox Construction Inc., Owner, gave a detailed report on the request. Alderman Jones recused himself due to the fact his spouse owned property in the area. Those opposing the rezoning were Ronald Williams representing West Savannah; Gloria Edwards, President of the West Savannah Community Association; and Ernestine Jones, area property owner.

Alderman Osborne moved to close the public hearing, seconded by Alderman Johnson and carried. Alderman Johnson stated he recognized Kenneth Dunham former President of the West Savannah Community Association, Ms. Oglesby, and Ms. Edwards. Three presidents that have worked with the City to protect the neighborhood; they also worked on the redevelopment plan and to prevent commercial intrusion. There is a commercial area around the corner. He stated he had no doubt that Ms. Oglesby will do exactly as she stated she would do; but the question lies in what happens when the property changes hands; when the property changes hands, the usage changes. Therefore, he moved to deny the request for rezoning, seconded by Alderman Osborne and carried.

Metropolitan Planning Commission (Z-110322-89661-2), recommending an amendment to Section 8-3112(c)(5)e of the Zoning Ordinance to clarify requirements pertaining to digital billboard technology in certain zoning classifications. The recommended amendments clarify some minor language ambiguities, strengthen distance requirements from residential zones, provide that such signs shall not be permitted within the boundaries of any locally designated Historic District or property as well as any Historic District as defined by the National Historic Register, and require that each billboard have an attached placard identifying the owner and the party responsible for its construction and maintenance and the permit number issued by the Zoning Administrator. (Continued from June 2, 2011. See attached memo.) Recommend consideration of revisions to the ordinance which would, individually or in combination, apply a radial distance requirement of 5,000 feet to prevent digital billboards from being constructed across

roads and other stretches next to each other; create a specific list of corridors and streets where digital billboards would not be allowed; and restrict future digital billboards to a 10-, 15- or 20-year permit.

Alderman Felser recused himself from the hearing. City Attorney Blackburn stated this was a continuation from the June 2, 2011 meeting and a public hearing was advertised, in order to invite more public participation. The speaker is speaking on behalf of the City Manager to make staff recommendations to the MPC proposal. A supporting memo will be put in the record; it is not in ordinance form. Mayor Johnson stated they would hear the City Manager's recommendation via the presentation of Sean Brandon; the Council will hold a discussion on the recommendations; then Council will ask the City Manager to refer the recommendation back to the MPC and work out an understanding which will go back to Council in an ordinance form on August 11, 2011.

Mr. Brandon gave a background of the billboard ordinance and the proposed changes; City Attorney Blackburn gave Council clarification. Alderman Thomas stated two districts were affected by this ordinance. He stated they were creating a problem by moving the billboards from one area of the city to another; and wanted to make sure that there was no manipulation and they got more billboards than agreed upon. Alderman Sprague expressed her dislike for the digital billboards. Attorney Harold Yellum spoke in favor of the billboards. Citizen Ardis Woods spoke in opposition of the billboards. Upon motion by Alderman Sprague, seconded by Alderman Jackson, and carried the public hearing was closed.

Alderman Sprague made a motion for the legal staff and City Manager prepare a proposed ordinance to rescind the current legal language allowing digital billboards, seconded by Alderman Thomas and carried, with the vote being 5 -2. Aldermen Jones and Stuber voted no. Alderman Johnson was not in the room at the time of the vote. Alderman Felser had recused himself earlier. City Attorney Blackburn reminded Council that they were not voting on the ordinance at this time. An official ordinance will be drafted and presented to them. Upon motion by Alderman Sprague, seconded by Alderman Jackson, and carried the hearing will be continued until August 25, 2011.

ORDINANCES

First and Second Readings

Ordinance read for the first and second time Council July 28, 2011, placed upon its passage, adopted and approved upon motion of Alderman Johnson, seconded by Alderman Felser and carried.

Property Tax Millage Rate for 2011. An ordinance to amend the Revenue Ordinance of 2011 to adopt a tax rate on real and personal property of 12.50 mills on the dollar (0.012500) or \$12.50 per \$1,000 in assessed value; and to adopt a special service district tax rate for the Water Transportation District of .2 mills on the dollar (.0002) or \$0.20 per \$1,000.00 in assessed value. The millage rate for 2011 is the same rate adopted for 2009 and honors a commitment made last year by Council. City Manager stated this is the same rate as 2009.

AN ORDINANCE **TO BE ENTITLED**

AN ORDINANCE TO AMEND THE REVENUE ORDINANCE OF 2011, ARTICLE B, ENTITLED "PROPERTY TAXES"; TO ADOPT A PROPERTY TAX MILLAGE RATE FOR 2011; TO ADOPT A SPECIAL SERVICE DISTRICT TAX RATE FOR THE WATER TRANSPORTATION DISTRICT; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES CONNECTED WITH TAXES AND REVENUES OF SAID CITY.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof, that:

Section 1. The Revenue Ordinance of 2011, Article B, entitled "Property Taxes,"

Section 4, "Tax Rate," shall be amended by substituting the following sentence in place of the first sentence of the second paragraph of said section:

The tax rate on real and personal property shall be 12.50 mills on the dollar (.01250) or \$12.50 per \$1,000.00 in assessed value.

Section 2. The Revenue Ordinance of 2011, Article B, entitled "Property Taxes," Section 11, "Water Transportation District Tax," shall be amended by substituting the following sentence in place of the third sentence of the first paragraph of said section:

The tax rate on real and personal property for the Water Transportation District Tax for 2010 shall be .2 mills on the dollar (.0002) or \$.20 per \$1,000.00 in assessed value.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall become effective for the calendar year 2011 upon approval by the Mayor and Aldermen.

Section 5. The ordinance shall become effective July 28, 2011.

Ordinance read for the first and second time Council July 28, 2011, placed upon its passage, adopted and approved upon motion of Alderman Johnson, seconded by Alderman Felser and carried.

Annexation of 4.76 Acres on Bradley Boulevard. The City received an annexation petition for a parcel with 4.76 acres located on Bradley Boulevard in vicinity of the Bradley South development from its owners, Robert W. Lee and L. Richard Lee. The parcel is under contract for purchase by the City for use as a future fire station. The land under petition is contiguous to existing City territory, and therefore can be annexed by ordinance adopted by City Council. As required by state law the County has been informed of receipt of this petition.

AN ORDINANCE
TO BE ENTITLED

AN ORDINANCE TO ANNEX TO THE CORPORATE LIMITS OF THE CITY OF SAVANNAH PROPERTY LYING CONTIGUOUS TO THE EXISTING CORPORATE LIMITS AND BEING LOT 2 OF THE TERRITORY DESCRIBED IN THE SURVEY ENTITLED "A MINOR SUBDIVISION OF PARCEL 2-B, VALLAMBROSA PLANTATION, 7TH G.M. DISTRICT CHATHAM COUNTY, STATE OF GEORGIA" PREPARED BY KERN-COLEMAN & CO. LLC, DATED SEPTEMBER 11, 2007; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

WHEREAS, Robert W. Lee and L. Richard Lee, the owners of certain a certain parcel of land contiguous to the corporate limits of the City has submitted a petition requesting annexation to the City; and

WHEREAS, the provisions of Chapter 36 of Title 36 of the Official Code of Georgia Annotated (O.C.G.A. 36-36-20 et seq.) have been complied with;

NOW THEREFORE BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following tract being contiguous to the City of Savannah and described as:

LOT 2 of a MINOR SUBDIVISION OF PARCEL 2-B, VALLAMBROSA PLANTATION, 7TH G.M. DISTRICT, CHATHAM COUNTY, GEORGIA as recorded in Subdivision Map Book 39-S, Page 24 of the Public Records of said county and being

more particularly described as follows: For a POINT OF REFERENCE commence at a concrete monument at the intersection of the Southeasterly right of way line of U.S. Highway 17 (a 280' right of way as now established) with the Southwesterly right of way line of Bradley Boulevard (a 100' right of way as now established). Thence Southeasterly along said Southwesterly right of way line of Bradley Road as shown on aforesaid Subdivision Map Book 39-S Page 24 the following three (3) courses: Course No. 1: thence S 50°26'08" E, a distance of 301.20 feet to a Point of Curvature of a curve concave Northeasterly and having a radius of 719.47 feet. Course No. 2: thence Southeasterly along said curve to the left, through a central angle 16°59'25" an arc distance of 213.35 feet. Said curve being subtended by a chord bearing and distance of S 58°55'50" E, 212.57 feet to a Point of Tangency. Course No. 3: thence S 67°25'33" E, a distance of 300.50 feet to the most Northerly corner of said LOT 2 and the POINT OF BEGINNING of the herein described LOT 2. Thence continuing Southeasterly along said Southwesterly right of way line of Bradley Boulevard the following three (3) courses: Course No. 1: thence continue S 67°25'33" E, a distance of 194.24 feet to a Point of Curvature of a curve concave Southwesterly and having a radius of 354.05 feet. Course No. 2: thence Southeasterly along said curve to the right, through a central angle of 27°48'10" an arc distance of 171.80 feet. Said curve being subtended by a chord bearing and distance of S 53°31'29" E, 170.12 feet to a Point of Tangency. Course No. 3: thence S 39°37'24" E, a distance of 249.17 feet. Thence departing said right of way line and along the Southeasterly, Southwesterly and Northwesterly boundary of said LOT 2 the following three (3) courses: Course No. 1: thence S 44°28'27" W, a distance of 335.70 feet. Course No. 2: thence N 53°51'33" W, a distance of 490.85 feet. Course No. 3: thence N 26°13'48" E, a distance of 354.14 feet to the POINT OF BEGINNING_ and to close. Said LOT 2 containing 4.76 acres in area, and designated as Property Identification Number 1-1030 -01-005 in the tax records of said Chatham County.

Is hereby annexed into the City of Savannah and made a part of said City.

SECTION 2. The Clerk of Council is hereby authorized and directed to file a report on this annexation with the Georgia Department of Community Affairs and with Chatham County as provided by O.C.G.A. 36-36-3.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Ordinance read for the first and second time Council July 28, 2011, placed upon its passage, adopted and approved upon motion of Alderman Johnson, seconded by Alderman Jackson and carried.

9-1-1 Charge on Prepaid Wireless Service. An ordinance to impose a 9-1-1 charge on prepaid wireless service at the retail point of sale at the rate of \$0.75 per retail transaction. This ordinance is in accordance with House Bill 256 which the Governor signed into law in May. Retailers will submit proceeds from the \$0.75 per transaction point-of-sale fee to the Georgia Department of Revenue (DOR). In order to receive disbursements from DOR in 2012, a certified copy of an ordinance or resolution imposing this fee must be submitted by December 31, 2011. DOR will begin annual disbursements in October 2012; however, it is difficult to estimate the amount of revenue that the City will receive. The revenue received must be used to operate and maintain a Public Safety Answering Point (PSAP). City Manager Toney explained this generates revenue for local governments.

9-1-1 CHARGE ON PREPAID WIRELESS SERVICE

WHEREAS, Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, as amended by Act No. 187, Georgia Laws 2011, authorizes counties and cities that operate a 9-1-1 public safety answering point to impose a 9-1-1 charge on prepaid wireless service at the retail point of sale; and,

WHEREAS, pursuant to Code Section 46-5-134.2 of the Official Code of Georgia Annotated such charges may be imposed at the rate of 75 cents per retail transaction; and

WHEREAS, revenues received by a county or municipality from such charges must be deposited in the emergency telephone assistance fund maintained by the county or municipality; and

WHEREAS, imposition of the charge on prepaid wireless service is contingent upon the enactment of an ordinance or resolution of the county or municipality; and

WHEREAS, the City of Savannah, Georgia operates a multijurisdictional 9-1-1 public safety answering point by intergovernmental agreement with Chatham County, Georgia.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Aldermen do hereby ordain as follows:

Section 1. 9-1-1 Charge on Prepaid Wireless Transactions

In accordance with O.C.G.A. § 46-5-134.2, there is hereby imposed a prepaid wireless 9-1-1 charge as defined by O.C.G.A. § 46-5-134.2(a)(4) upon every prepaid wireless retail transaction occurring within the jurisdiction of the public service answering point in the amount of 75 cents.

Section 2. Collection of 9-1-1 Charge on Prepaid Wireless Transactions

Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the Commissioner of the Department of Revenue at the times and in the manner provided by Chapter 8 of Title 48 of the Official Code of Georgia Annotated with respect to the sales and use tax imposed on prepaid wireless calling service.

Section 3. Administrative Provisions

The Clerk of Council is hereby directed to file with the State Revenue Commissioner a certified copy of this ordinance and amendments thereto, in accordance with O.C.G.A. § 46-5-134.2(j)(1), within ten (10) days of enactment of this ordinance.

Section 4. Depositing of Funds; Use of Funds

In accordance with O.C.G.A. § 46-5-134.2(j)(5), funds received by this city from charges imposed by this ordinance shall be deposited in the Public Safety Communications Fund maintained by this city pursuant to O.C.G.A. § 46-5-134 and kept separate from general revenue of the jurisdiction; all such funds shall be used exclusively for the purposes authorized by O.C.G.A. § 46-5-134(e).

Section 5. Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 6. Effective Date

The ordinance shall become effective January 1, 2012.

RESOLUTIONS

Georgia Power Utility Easement – 6183 Highway 21. A resolution to authorize the execution of an easement to Georgia Power Company (GPC) for transmission lines crossing the City-owned I&D Plant property located at 6183 Highway 21 (PIN 2-0912-01-001). GPC is requesting an easement across the City property for the installation of an underground distribution line and transformer. GPC previously received official permission and right-of-entry to begin work in the area pending execution of the easement agreement. The additional equipment is required to provide power to the Critical Workforce Shelter under construction on the site. The easement request was reviewed by the Public Works/Water Resources Bureau, specifically by the Water and Sewer department. The additional equipment will not interfere with the operation of the City facilities already located on the property.

A RESOLUTION TO AUTHORIZE THE EXECUTION OF AN EASEMENT TO GEORGIA POWER FOR TRANSMISSION LINES CROSSING THE CITY-OWNED PROPERTY LOCATED AT 6183 HIGHWAY 21 (PIN 2-0912-01-001).

WHEREAS, the Mayor and Aldermen of the City of Savannah are authorized by Georgia law to grant easements across municipal property for the benefit of the public and for such compensation as deemed reasonable; and

WHEREAS, this request will serve the interests of the community in allowing the installation of a distribution line and transformer associated with providing service for a Critical Workforce Shelter under construction on the site; and

WHEREAS, it has been determined that said lines will not interfere with the operation of the adjacent City facilities;

NOW, THEREFORE, the Mayor and Aldermen in regular meeting assembled, with more than two-thirds of the Aldermen present and voting in the affirmative, approve the granting of said easement and authorize the City Manager to execute the easement document in conformance with this Resolution.

ADOPTED AND APPROVED this 28th day of July, 2011, upon motion by Alderman Felser, seconded by Alderman Osborne and carried.

Condemnation Proceedings – 37 Barber Avenue. A resolution to authorize and direct the filing of Condemnation Proceedings to acquire title to Lot 37 and part of Lot 38, Gibbons Ward in the City of Savannah, Chatham County, Georgia (PIN 2-0047-02-002) commonly known as 37 Barber Avenue. The apparent property owner has given his consent, but the title is clouded due to the inability to identify any persons with a possible legal claim. This is in a proposed arena area described as Old Mexico. The owner has two adjoining lots, one of which has clear title and has been conveyed; however he cannot provide clear title to the remaining blighted lot. Copies are on file in the Clerk of Council's Office.

A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH FOR LAND ACQUISITION AUTHORIZING AND DIRECTING THE FILING OF CONDEMNATION PROCEEDINGS TO ACQUIRE SAID TILE, ESTATE OR INTEREST IN SAID LAND.

WHEREAS, the City of Savannah Real Properties Services has determined and recommended that the property. "Property," described as lot 37 and the eastern 5 feet of lot 38, Gibbons Ward, in the City of Savannah, Chatham County, Georgia; PIN 2-0047-02-002; commonly known as 37 Barber Avenue, be acquired for a public purpose, to-wit, to remedy blight pursuant to O.C.G.A. 22-1-1 (vi), because unanimous consent has been received from each person with a legal claim that has been identified and found pursuant to O.C.G.A. 22-1-1 (v), and because title is clouded due to the inability to identify or locate all possible owners of the property pursuant to O.C.G.A. 22-1-1 (vi), and

EXHIBIT A LEGAL DESCRIPTION

ALL those certain lots, tracts or parcels of land situate, lying and being in the City of Savannah, Chatham County, Georgia, and known and designated upon a map or plan of said City as Lot Thirty-seven (37) and the eastern 5 feet of Lot Thirty-eight (38), Gibbons Ward. Said lot and portion of lot being contiguous and, as one tract, lying on the northwestern corner of barber Avenue and Seaboard Avenue and having a aggregate frontage of 27 feet on the northerly side of Barber Avenue and a rectangular depth Northwardly of 90 feet. PIN 2-0047-02-002

WHEREAS, the Mayor and Aldermen of the City of Savannah have identified the Property and found that it will serve the public, and

WHEREAS, the Property is shown on the real estate records as owned by James B. Gibbons, a/k/a James B. Gibbons, Sr., individually,

WHEREAS, it is necessary that the Property be acquired without delay.

NOW THEREFORE, it is found and determined for the Mayor and Aldermen of the City of Savannah that the circumstances are such that it is necessary that the Property be acquired under the provisions of O.C.G.A. 22-2-1 et. Seq., as amended, and

WHEREAS, the owner of the Property, James B. Gibbons, a/k/a James B. Gibbons, Sr., has acknowledged the receipt of the notice of preliminary determination to acquire the said Property for the public use as herein described through the exercise of the power of eminent domain and has given his consent and waiver of the notices and procedures as provided in said Chapter as shown on the Acknowledgment, Consent and Waiver being made a part hereof, and

IT IS ORDERED that the Mayor and Aldermen of the City of Savannah proceed to acquire the title, estate or interest in the Property described in Appendix "A" by condemnation under the provision of said Code and that Proceedings to acquire said title, estate or interest in said lands be filed.

ADOPTED AND APPROVED this 28th day of July, 2011, upon motion by Alderman Johnson, seconded by Alderman Felser and carried.

MISCELLANEOUS ITEMS

Appointment to Boards, Commissions and Authorities. Upon motion by Alderman Johnson, seconded by Alderman Jackson and carried, Mr. Nowicki was appointed to the Keep Savannah Beautiful Board.

Mayor Johnson recognized the candidates of the Chatham County Youth Commission visiting the Council Meeting. They were also graduates of Savannah City Youth Commission.

TRAFFIC ENGINEERING REPORTS

Intersection of Montgomery and Taylor Streets. The Traffic Engineering Department has identified a continuing traffic safety problem at the intersection of Montgomery and Taylor Streets. The intersection has experienced eleven crashes in the last four years. The majority of these crashes were right angle collisions involving westbound traffic on Taylor Street and northbound traffic on Montgomery Street. Taylor Street traffic stops for Montgomery Street traffic. Several years ago the intersection was provided with a flashing beacon and parking was prohibited on the east side of Montgomery Street south of Taylor Street to increase the visibility of northbound traffic on Montgomery Street for traffic travelling westbound and attempting to cross the intersection. The department performed traffic studies at the intersection. Based on the traffic volumes, accident history and street characteristics; the intersection warrants multi-way stop signs to control traffic in a positive and safe manner. Recommend that the intersection of Montgomery and Taylor Streets be changed from one-way stop control to multi-way stop traffic control. Upon motion by Alderman Osborne, seconded by Alderman Felser and carried, the request was granted.

New School on Central Avenue. The Board of Public Education has submitted a request that northbound traffic on Central Avenue at the intersection of Skidaway Road be restricted for left turn movements until a new intersection alignment is reconstructed. The Board has submitted construction plans for a new Charter Middle School on Central Avenue, which is scheduled to be completed in August 2012. Chatham County, as part of the Skidaway Road Improvement SPLOST Project, will reconstruct the intersection of Skidaway Road and Central Avenue to eliminate the sharp angle. Traffic Engineering recommends that between the time when the school becomes operational and the intersection is reconstructed, left turn movements in the northbound direction on Central Avenue should be prohibited to provide for the safest traffic operations at this intersection. Upon motion by Alderman Thomas, seconded by Alderman Jackson and carried, the request was granted.

Upon motion of Alderman Thomas, seconded by Alderman Jones and carried, the following **bids, contracts and agreements** were approved:

BIDS, CONTRACTS AND AGREEMENTS

Purchase of Property -- 420 W. Waldburg Street. Staff has entered into negotiations with Mt. Zion Baptist Church for the purchase of property located at 420 W. Waldburg. The property (legally described as the East Part of Lot 5 and the Southeast Part of Lot 6, a Subdivision of Lots 13 and 14, Elliott Ward, PIN 2-0052-04-012) is a derelict building behind 922 Martin Luther King, Jr. (MLK) Boulevard. The building has been targeted by Property Maintenance and other City departments for maintenance and safety violations. Staff has been working with Mt. Zion and other adjacent property owners on a block-wide revitalization project to include shared parking, streetscape and drainage improvements, and façade enhancements. The City recently acquired the building at 916 MLK Boulevard for community use and City offices. The City has supported the efforts of Mt. Zion Baptist Church to renovate the building at 420 W. Waldburg for church use. The extent of deterioration, however, has made rehabilitation prohibitively expensive, and the church has been unable to raise the necessary funding. The City has offered Mt. Zion \$45,000.00 (below the tax assessed value) for the property. Once the property is acquired, the City will demolish the derelict building and utilize the land for additional parking and green space. Approval of the purchase of property located at 420 W. Waldburg and authorization for the City Manager to sign the contract for the purchase.

Body Armor Vest for SCMPD SWAT –One Time Purchase – Bid No. 11.146. Approval to procure 16 body armor vests from Blackfox Tactical in the amount of \$36,440.00. The vests will be utilized by the Savannah-Chatham Metropolitan Department's Police SWAT Team to aid in the protection against ballistic threats in the line of duty. SCMPD will be refunded 50% of the total cost by a U.S. Department of Justice Grant. Delivery: 50 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Condemned Assets/Condemned Funds-State/Clothing and Laundry (Account No. 102-4122-51310).

Project DeRenne - Intergovernmental Agreement with Chatham County for the transfer of SPLOST Funds for Phase III, Preliminary Engineering, for East-West Traffic Flow Improvements. Authorization for the City Manager to enter into an agreement entitled Intergovernmental Agreement for the Distribution of Special Purpose Local Option Sales Tax Proceeds by the County to the City of Savannah for the Purpose of East-West Traffic Flow Improvements. Chatham County approved this agreement at the Commission meeting on July 21, 2011. These funds will be used to proceed with preliminary engineering, Phase III of what we term Project DeRenne. Funds will be transferred over three years as budgeted in the MPO CORE Transportation Improvement Program. The County will transfer the first installment upon execution of this agreement; however future transfers will be contingent upon the City and GDOT executing a Project Framework Agreement for this project. It is anticipated that this agreement will be agreed to in 2012. The Intergovernmental Agreement also acknowledges that the City will reimburse the Project \$1,789,835; funds used to purchase the Comcast Building as part of the abandoned Hampstead Connector Project. This building is currently used by the City to house the Development Services Department.

Palo Alto Firewall Equipment for Emergency Command and Control Center – Sole Source – Requisition No. 11203474. Approval to procure Palo Alto Firewall equipment from Layer 3 Inc. in the amount of \$31,790.60. The firewall equipment, maintenance and installation will be used by Information Technology (IT) for the new VIPER E911 back-up system at the Emergency Command and Control Center. The Palo Alto equipment was specified because, as an application-aware firewall, it lets IT control access in and out of the City's network down to specific web applications. These items are being purchased from a prior contract approved by Council in January, 2011. The contractor is willing to maintain the pricing from that contract. Delivery: 30 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Capital Improvements Fund/Capital Improvement Projects/other Costs/E911 System Upgrade & Backup (Account No. 311-9207-52842-OP651).

Lighting Upgrades – Broughton Municipal Building – Bid No. 11.129. Approval to procure lighting upgrade services from Pace Electrical Contractors, Inc. in the amount of \$59,077.00. The services will be used by Building and Electrical Maintenance to replace the lighting fixtures at the Broughton Municipal Building with energy efficient models. Funding for this project will come from a Department of Energy Grant. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, Other Federal Grants/Miscellaneous Grants/Building Maintenance/DOE Energy Efficient CBP (Account No. 212-9203-51244-ES200.)

Mobile Data Terminals – One Time Purchase – Bid No. 11.117. Approval to procure 30 mobile data terminals and 160 GPS antennas from CDW-G in the amount of \$119,835.40. The Panasonic Toughbook data terminals will be installed in police vehicles and will be used by officers to enter crime and accident reports and to access various databases and systems to complete their work. The terminals are removable from their mounts and are extremely heavy duty. These units being purchased are replacements for older Motorola computers that are no longer functioning. The antennas will be installed on patrol vehicles. Delivery: 28-56 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Other Federal Grants/Justice Assistance Grant/Computer Hardware and Software/JAG Grant Program 2010 (Account No. 212-4282-51510).

Radio Console Equipment – Sole Source – Requisition No. 11196971. Approval to procure Motorola console VHF, UHF, and 700/800MHz Digital radio equipment from Motorola in the amount of \$77,858.94. The equipment is to outfit the Emergency Command and Control Center with sufficient radio equipment to adequately assume the SCMPD dispatch function in the event of a failure of dispatch center equipment. The equipment is additionally available to provide overflow capacity to the Metro Dispatch Center for Special Events and Emergency Incidents that may arise. The reason for the sole source is the City has standardized on Motorola equipment and is being purchased under State of Georgia contract pricing. Delivery: 30 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Port Security Grant/Other Federal Grants/ DHS GA Tech Port Security Grant/Operating Supplies & Materials (Account No. 212-3118-51320-GT020).

Tools – Annual Contract – Bid No. 11.099. Awarded an annual contract to procure tools from Millworks (Items 1-13, 34,36,37) in the amount of \$31,797.56, Lewis-Goetz (Items 16-33, 35, 68-76, 77-80) in the amount of \$7,090.70, and Ram Tool (Items 14,15,38-67) in the amount of \$5,192.76. The low bidder meeting specifications was selected for each line item. The apparent low bidders for items 1-15 Lewis-Goetz, Lawson Products, and Georgia Mill Supply, offered products that did not meet specifications for those items. The apparent low bidders for items 23-33, Georgia Mill Supply and Ram Tool, offered a lower quality striking tools that did not meet the level of quality of the Stanley tool brand which was specified. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Inventory/Central Stores (Account No. 611-0000-11330).

Occupational Health Services – Annual Contract – RFP No. 11.132. Approval to award an annual contract for occupational health services from Docu Family Medicine Center in the amount of \$35,000.00. The occupational health services include but are not limited to: pre-employment physicals, disability evaluations, and medical records review. These services will be provided to City applicants and current employees. The method used for this procurement was the Request for Proposal (RFP) which evaluates criteria in addition to costs. The criteria evaluated as part of this RFP were qualifications and references, and evaluation of the program as well as fees. The recommended proposer was selected based on its approach to occupational health services that incorporates "healthy advice" in the evaluation of applicants and employees. The recommended proposer also submitted the lowest proposed fee. This is the first contract period available. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Human Resources/Medical Costs (Account No.101-1103-51290).

Swimming Pool Chemicals – Annual Contract Renewal – Bid No. 11.145. Renewed an annual contract to procure swimming pool chemicals from Pride Pool Spas & Leisure in the amount of \$27,920.66. The chemicals will be used by Leisure Services for the treatment of the City's swimming pools and are also stocked at the Central Warehouse for use by other departments. This is the last of two renewal options available for this

contract. Delivery: Same Day. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Building & Grounds/ Chemicals (Account No. 101-6120-51323).

Concrete Median and Edge/Shoulder Flumes – Annual Contract Renewal – Bid No. 11.160. Renewed an annual contract to procure concrete flume installation services from Coastline Concrete Services in the amount of \$34,110.00. The contract will be used by Streets Maintenance to install median and edge/shoulder drainage flumes as required along Truman Parkway. This is the first of two renewal options available. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Street Maintenance/Other Contractual Services (Account No. 101-2105-51295).

Weed Control Chemicals – Annual Contract Renewal – Bid No. 11.156. Renewed an annual contract to procure weed control chemicals from Crops Production (formerly UAP Distribution) in the amount of \$88,075.00. The weed control chemicals will be used by various City departments. This is the last of three available renewal options. Delivery: As Needed. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Central Stores; General Fund/Stormwater Management/Operating Supplies & Materials (Account No. 611-0000-11330, 101-2104-51320).

HVAC and Mechanical Repairs – Annual Contract Renewal – Bid No. 11.157. Renewed an annual contract for HVAC and mechanical repair services from Southeastern Air Conditioning Company in the amount of \$75,750.00. The services will be utilized by Building Maintenance to assist staff on large projects and emergency repairs. Southeastern Air Conditioning was recommended as the best proposal due in large part to a long positive work relationship with the City. The contractor has held this contract since 2007 and has always made the City a priority when called upon for assistance during emergencies. The method used for this procurement was the Request for Proposal (RFP) which evaluates criteria in addition to costs. The criteria evaluated for this RFP were qualifications and references as well as costs. The recommended proposer's responsiveness and dependability were the primary deciding factors in the recommendation for award. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Building & Electrical Maintenance/Building Maintenance (Account No. 101-612-51244).

Storage Area Network Equipment and Maintenance – Annual Contract Renewal – Bid No. 11.169. Renewed an annual contract for storage area network equipment and maintenance from Technology Integration Group (TIG) in the amount of \$161,500.00. The equipment will be utilized by Information Technology for additional disk storage capacity to meet application and user needs due to ongoing expansion of the City's data network as needed. The City's disk space consumption has averaged 40% growth per year due to increased needs such as expanded video surveillance, new systems including the ERP (Enterprise Resource Planning) system and its related document imaging system and other applications. This is the last of two renewal options available. Delivery: 2 Weeks. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Computer Replacement/ Computer Hardware/Software (Account No. 612-9240-51510).

Tropos Network Equipment – Annual Contract Renewal – Bid No. 11.170. Renewed an annual contract for Tropos Wireless Mesh Hardware from Insight in the amount of \$293,008.30. The hardware and software included in this contract will be used by Information Technology for the installation of police surveillance cameras in various city locations. The contract also includes maintenance and support pricing. This is the last of two renewal options available. Delivery: 14 Days. Terms: Net-30 Days. Funds are available in the 2011 Budget, Internal Service Fund/Information Technology/Computer Hardware/Software (Account No. 611-1140-51510).

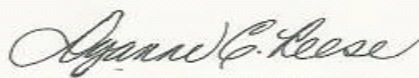
Crushed Stone - Annual Contract Renewal - Bid No. 11.171. Approval to renew an annual contract for crushed stone from Martin Marietta Aggregates in the amount of \$155,435.00. The crushed stone and other materials will be used by Street Maintenance and other departments. Although several solicitations were made, only one bid was received. This is the last available renewal. Delivery: As Required. Terms: Net-30 Days. Funds are available in the 2011 Budget, General Fund/Streets Maintenance/Other Contracts and Service (Account No. 101-2105-51295).

Construction Resident Inspection Services – Bid No. 11.122-6-21 – Savannah/Hilton Head International Airport. The Savannah Airport Commission received approval to enter into a contract with The LPA Group Incorporated in the amount not to exceed \$426,000.00 to furnish a dedicated full-time Resident Inspector to report to Airport Commission staff and to provide full-time construction inspection services for the construction of the FAA funded North Aviation Development project. The Airport Commission received six proposals which were reviewed and then shortlisted to three companies that were interviewed by a selection committee. The companies were Hussey, Gay, Bell & Deyoung; The LPA Group Inc. (a Division of Michael Baker); and Pat Mathis Construction Co. Inc. The LPA Group Incorporated was selected based on the qualifications of the individual proposed to serve as the Resident Inspector.

Alderman Johnson thanked Mr. Murray J. Weed with the Carl Vinson Institute of Government for his presentation to Council this day,

Alderman Jackson informed the public that she and City Manager Toney would be in Washington, DC to discuss the needs of cities CDBG and other programs with federal funding.

There being no further business, Mayor Johnson declared this meeting of Council adjourned.



Dyanne C. Reese
Clerk of Council